

ESTTA Tracking number: **ESTTA570858**

Filing date: **11/14/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Grenco Science, Inc.
Granted to Date of previous extension	11/16/2013
Address	11901 Santa Monica Boulevard #658 Los Angeles, CA 90025 UNITED STATES

Attorney information	Caroline Keller Keller Patent and Trademark Law 539 24th St. Manhattan Beach, CA 90266 UNITED STATES ckeller@kpatlaw.com Phone:310-372-2171
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Applicant Information

Application No	85910712	Publication date	09/17/2013
Opposition Filing Date	11/14/2013	Opposition Period Ends	11/16/2013
Applicant	PR Brothers LLC 33 Jasper Irvine, CA 92618 CANADA		

Goods/Services Affected by Opposition


Class 034. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Electric cigarettes; Electronic cigarettes; Electronic cigarettes for use as analternative to traditional cigarettes; Smokeless cigarette vaporizer pipe


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

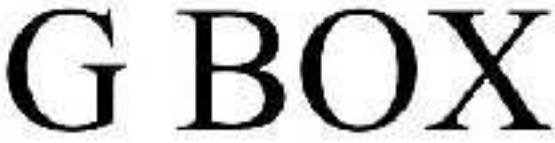
Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	4390645	Application Date	06/27/2012
Registration Date	08/27/2013	Foreign Priority Date	NONE
Word Mark	G PEN		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2011/12/21 First Use In Commerce: 2012/01/16 Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of a variety of medical conditions		

U.S. Registration No.	4390922	Application Date	09/10/2012
Registration Date	08/27/2013	Foreign Priority Date	NONE
Word Mark	G TANK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2011/12/21 First Use In Commerce: 2012/01/16 Vaporizers for medical purposes		

U.S. Application No.	86023977	Application Date	07/30/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	G BOX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2011/12/14 First Use In Commerce: 2012/01/16 Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of a variety of medical conditions; Kits comprising electronic vaporizers for personal medical use, batteries and chargers for use therewith and tools for storing and transferring materials to be vaporized therein

U.S. Application No.	86023956	Application Date	07/30/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	G		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2011/12/14 First Use In Commerce: 2012/01/16 Medical apparatus, namely, electronic vaporizer for personal use that emits vapor for treatment of a variety of medical conditions		

Attachments	85663470#TMSN.jpeg(bytes) 85725000#TMSN.jpeg(bytes) 86023977#TMSN.jpeg(bytes) 86023956#TMSN.jpeg(bytes) EPSON004.PDF(1274267 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/clk/
Name	Caroline Keller
Date	11/14/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Grenco Science)
)
Opposer)
)
v.)
)
PR Brothers LLC DBA Global)
Tobacco Company,)
Applicant)
)

Opposition No. _____

Serial No. 85/910712

Mark: GCIGS

Commissioner for Trademarks
BOX TTAB – Fee
2900 Crystal Drive
Trademark Trial and Appeal Board
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Dear Sir:

Grenco Science (“Opposer”), a California corporation with its place of business at 11901 Santa Monica Blvd. #658, Los Angeles, CA 90025, is or will be damaged by the registration of the mark GCIGS, which is set forth in application Serial No. 85/910,712 and owned by PR Brothers LLC DBA Global Tobacco Company (hereinafter “Applicant”) and hereby opposes the same.

As grounds for opposition, Opposer, by its attorneys, alleges as follows:

1. Opposer owns the trade names and marks G, G PEN, G TANK, and G BOX and variations thereof (the “Opposer’s Marks”) for and in connection with a variety of goods and services, including electronic vaporizers for personal use that emit vapors for treatment of a variety of medical conditions, electronic vaporizers for personal

medical use, batteries and chargers for use therewith and tools for storing and transferring materials to be vaporized therein (the “Opposer’s goods”).

2. Opposer has continuously used and is using in commerce the Opposer’s Marks since at least as early as January 16, 2012 in connection with the Opposer’s goods.

3. Opposer has duly registered in the United States Patent and Trademark Office and owns the following registrations: Registration No. 4,390,645 for G PEN and Registration No. 4,390,922 for G TANK.

4. Opposer has filed for the following actual use trademark applications in the United States Patent and Trademark Office, each of which has as a date of first use a date prior to the April 22, 2013: Serial No. 86/023,977 for G BOX and Serial No. 86/023,956 for G.

5. Opposer has provided the Opposer’s Goods under the Opposer’s Marks throughout the United States. As a result of the high quality of the Opposer’s Goods and the extensive promotion and public acceptance thereof, Opposer has gained significant and valuable goodwill in the Opposer’s Marks.

6. The public recognizes the Opposer’s Marks to identify the Opposer’s Goods and to distinguish them from the goods and services of others. The Opposer’s Marks function as indicators of origin of the Opposer’s Goods, and as such, are the exclusive property right of Opposer.

7. On April 22, 2013, Applicant submitted application Serial No. 85/910,712 to the United States Patent and Trademark Office for the mark GCIGS, in connection with “Electric cigarettes; Electronic cigarettes; Electronic cigarettes for use as an

alternative to traditional cigarettes; Smokeless cigarette vaporizer pipe” in International Class 9 as an “intent-to-use” application.

8. On September 17, 2013, application Serial No. 85/910,712 was published for opposition.

9. Applicant has not submitted a date of first use in connection with application Serial No. 85/910,712.

10. The Opposer’s Marks were first used in commerce prior to any actual use or constructive use of the mark GCIGS as set forth in application Serial No. 85/910,712.

11. The GCIGs mark as set forth in application Serial No. 85/910,712 is confusingly similar to the Opposer’s Marks in appearance, sound and commercial impression.

12. The goods which are intended to be offered by Applicant under the GCIGs mark as set forth in application Serial No. 85/910,712 are identical, closely related to, and/or complementary to the Opposer’s Goods.

13. On information and belief, the goods intended to be offered by Applicant under the GCIGs mark as set forth in application Serial No. 85/910,712 will be advertised to and sold to the same or similar class of customers as those who are interested in or familiar with the Opposer’s Goods.

14. On information and belief, the goods intended to be offered by Applicant under the GCIGs mark as set forth in application Serial No. 85/910,712 and Opposer’s goods will move through the same channels of distribution and be sold in the same stores or in stores with competing items.

15. For the foregoing reasons, Opposer will be damaged by the registration of the mark GCIGS, as set forth in application Serial No. 85/910,712, in that the mark so resembles the Opposer's Marks as to be likely, when applied to the goods of Applicant, to cause confusion, mistake, and deception, with consequent irreparable damages to Opposer's business and goodwill and otherwise will improperly give the appearance of exclusive statutory ownership rights in marks incorporating the Opposer's Marks to Applicant in violation of § 2(d) of the Lanham Act, as amended (15 U.S.C. § 1052(d)), and derogation of the prior and superior rights of Opposer.

16. Opposer also will be damaged by the registration of the mark GCIGS, as set forth in application Serial No. 85/910,712, in that said mark will dilute the Opposer's Marks in violation of § 43(c) of the Lanham Act (15 U.S.C. § 1125(c)).

17. By reason of the foregoing, Opposer believes it will be irreparably damaged by the registration of the GCIGS mark as set forth in application Serial No. 85/910,712.

18. Registration should, therefore, be refused pursuant to § 2(d) of the Lanham Act. (15 U.S.C. § 1052(d)), on the grounds that the application to register GCIGS, application Serial No. 85/910,712, so resembles Opposer's Marks as to cause confusion, mistake or deception and under § 43 (c) of the Lanham Act (15 U.S.C. § 1152(c)), and on grounds that said application dilutes the value of the Opposer's Marks.

WHEREFORE, Opposer requests that this opposition be sustained and that the application by Applicant to register the mark GCIGS, application Serial No. 85/910,712, be refused.

Opposer will submit payment with the online filing of the Notice, pursuant to 37 C.F.R. § 2.6(a)(7), in an amount totaling three hundred dollars (\$300.00) in payment of the requisite fee for filing this Notice of Opposition against the application.

Respectfully submitted,



Dated: Manhattan Beach, California
November 14, 2013

By: Caroline L. Keller
Keller Patent and Trademark Law
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Manhattan Beach, CA 90266
(310) 372-2171

Attorney for Opposer
Grenco Science